

A

B I L L

TO

Confirm a Provisional Order made by the Board of Trade A.D. 1872,
under the General Pier and Harbour Act, 1861, relating —
to Waterford.

WHEREAS a Provisional Order made by the Board of Trade 24 & 25 Vict.
under The General Pier and Harbour Act, 1861, is not of ^{any} ~~force~~ ⁴⁵ valid
any validity or force whatever until the confirmation thereof by Act
of Parliament:

5 And whereas it is expedient that the Provisional Order made by
the Board of Trade under the said Act, and set out in the schedule
to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
10 Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows:

1. The Order set out in the schedule to this Act shall be and the ^{Confirmation}
same is hereby confirmed, and all the provisions thereof in manner ^{of}
and form as they are set out in the said schedule shall, from and ^{Order in}
15 after the passing of this Act, have full validity and force. ^{schedule.}

2. This Act may be cited as the Pier and Harbour Orders ^{Short title.}
Confirmation Act, 1872 (No. 3).

A.D. 1872.

S C H E D U L E.

Waterford.

WATERFORD.

Order for the Improvement of the Port and Harbour of Waterford.

Undertakers.

1. The Commissioners for the purposes of the Act of the ninth and tenth 5 years of the reign of Her Majesty, cap. two hundred and ninety-two (local), intituled "An Act for improving, preserving, maintaining, and better regulating the Port and Harbour of Waterford, and for other purposes relating thereto," (in this Order called the Local Act,) shall be the Undertakers for carrying this Order into execution; and the expression the "Commissioners," 10 used in this Order, shall mean the Commissioners under that Act.

Local Act

2. This Order shall be read and construed as part of the Local Act, and as if that Act and this Order were one Act.

S & 2 Vict.
c. 16.
22 & 24 Vict.
c. 106.
incorporated.

3. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are (except where expressly varied by this Order) incorporated with this Order,

Incorporation
of parts of
"Commiss-
ioners Clauses
Act."

4. The clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, so far as the same are 20 not inconsistent with the provisions of this Order, and with the exception of section eighty-five of the said Act, shall be incorporated with this Order, and shall apply to the money to be borrowed, and the mortgages to be granted by the Commissioners under the authority of this Order.

Interpretation.

5. In this Order the several words and expressions to which meanings are 25 assigned by the Acts wholly or partially incorporated with this Order shall have the same respective meanings, and in the said Acts as incorporated with this Order, the expression "the special Act" shall be this Order; and the expression "the harbour, dock, or pier" shall mean and include the port and harbour of Waterford, and the channel or cut and works to be constructed 30 under this Order.

Byelaws to
remain in force
as altered.

6. The byelaws, rules, and regulations made by the Commissioners with reference to the port and harbour of Waterford which are now in force shall, until altered or recalled by the Commissioners, continue in force and be applicable to the works authorised by this Order.

Power to exe-
cute works.

7. Subject to the provisions of this Order, and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Board of Trade require from time to time before the completion of the works in order to prevent injury to navigation, the Commissioners may, on the sites designated by this Order and in the lines and situation and according to the 40

levels and within the limits of deviation shown upon the deposited plans, execute and maintain the works authorised by this Order, with such alterations and additions (if any) thereto as the Board of Trade may from time to time consent to for the benefit of navigation.

A.D. 1872.

Waterford.

5. 8. The works authorised by this Order comprise the following : Description of works.

A channel or cut, commencing at a point about midway between the eastern and western shores of Waterford Harbour, and about fifteen hundred yards south of the fort and lower lighthouse at Duncannon, running or extending therefrom in a southerly direction for a distance of two thousand eight hundred yards or thereabouts, and terminating at a point distant about eleven hundred yards in a north-easterly direction from the eastern extremity of the promontory known as Cnudur or Cnudan Head.

9. The Commissioners may deviate laterally from the lines of the works by this Order authorised to the extent marked on the plans deposited for the purposes of this Order, and may deviate vertically from the levels defined on the sections deposited for the purposes of this Order to any extent not exceeding six feet. Power to deviate.

10. The Commissioners may also lay down, erect, execute, or maintain all buoys, moorings, lights, buoys, and other works and conveniences which from time to time they may think necessary for effectuating any of the purposes of this Order, and may do any of the works authorised by this Order, either by themselves, their servants, or by others, and generally make such arrangements as may appear to them desirable for carrying out the said works. Further powers in respect of works.

11. The Commissioners may carry to and deposit the materials dredged or taken out of the said cut or channel at any place within the limits of the said port and harbour, either above or below low-water mark as may previously be approved of by the Board of Trade. Deposit of materials taken from cut or channel.

12. The works authorised by this Order shall be completed within eight years from the date of the passing of the Act confirming this Order. Period for completion of works.

13. With the consent of the Commissioners of Irish Lights, the Commissioners shall at their own expense, and without any cost to the Mercantile Marine Fund, remove the Low Lighthouse and Light Keeper's Store in Duncannon Fort Yard to and re-erect the same on another site within the 35 Foot Yard twenty yards or thereabouts to the eastward of the present site, the precise position of which other site shall be determined by the Commissioners of Irish Lights; and the cost of any new quarters, or any other expenses which the War Department incur by reason of the change of site of the Low Lighthouse, shall be paid by the Commissioners to the War Department, and may be recovered from the Commissioners as a debt due to the Crown. Low light house to be removed.

14. Subject to the exemption from rates specified in the schedule to this Order, which exemption is allowed by reason that rates and dues of the same amount are (contrary to the custom in many other ports) now levied in the ports of Waterford and New Ross on all vessels alike whether bound to or from

4. *Pier and Harbour Orders Confirmation (No. 3).* [35 VICT.]

A.D. 1872.

Waterford.

Commissioners
of rates
in certain
events.

Costs of fishing
vessels under
stress of
weather ex-
cept from
rates.

Power to
borrow money.

Ranking
securities to
have priority.

Application
of money
borrowed.

Power to
re-borrow.

For appoint-
ment of a
receiver.

parts of foreign countries or plying between home ports only, and subject also to the provisions of this Order, the Commissioners may demand, receive, or recover, in addition to the tolls and rates by the local Act and by "The Waterford Harbour (Dry Dock) Act, 1868," respectively authorised to be levied, any sums not exceeding the rates specified in the schedule to this Order. 5

15. Provided that until the channel or cut authorised by this Order is made or dredged to the depth of eighteen feet below low water of ordinary spring tides, the Commissioners shall not demand, receive, or recover any sums exceeding one half of the several rates specified in the said schedule hereto.

A certificate signed by the chairman of quarter sessions for the county of Waterford that the said channel or cut has been so made or dredged to the depth of eighteen feet below low water of ordinary spring tides (which certificate he shall sign and give on being satisfied in this behalf), shall be conclusive evidence of the fact stated in such certificate.

16. Fishing vessels belonging to countries with which for the time being 15 treaties exist exempting from duties and port charges such vessels, when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order. 20

17. In addition to any sum which the Commissioners have borrowed or have power to borrow on the security of the revenues of the harbour of Waterford, the Commissioners may from time to time borrow on mortgage at interest such further sums as may be required for carrying into effect the purposes of this Order, not exceeding in the whole the sum of seventy-four thousand pounds, 25 on security of the rates authorised by this Order, and the rates, duties, and customs now leviable by the Commissioners, or any other property of the Commissioners.

18. Every security made for money borrowed by the Commissioners before the passing of the Act confirming this Order shall have priority over every 30 security made for money borrowed under this Order.

19. Every part of the money borrowed by the Commissioners under this Order shall be applied only for the purposes authorised by this Order.

20. The Commissioners may from time to time re-borrow any amount from time to time repaid or about to be repaid by them, unless it be paid by means 35 of the sinking fund, in which case, and to the extent of the amount paid off by means of such sinking fund, their powers of borrowing and re-borrowing shall cease.

21. The mortgagees of the Commissioners may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages, by the 40 appointment of a receiver, and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than seven thousand four hundred pounds in the whole.

22. The Commissioners shall apply all the rates received under this Order for the purposes and in the order following, and not otherwise; (that is to say,) Waterford
Application of
rates

1. In paying the costs of and connected with the applying for, obtaining, and making of this Order;
2. In paying year by year the interest accruing on money borrowed under this Order;
3. In paying the cost of the construction and maintenance of the works authorised by this Order, and the salaries and expenses authorised by this Order;
4. In payment of principal money borrowed, or in creating a sinking fund for that purpose, in the manner, and so far as the nature and circumstances of the case will admit, in the proportion specified by The Commissioners' Classes Act, 1847;
5. In the further general improvement of the port and harbour of Waterford.

23. The Commissioners shall keep separate accounts of the rates received by them under this Order, and shall from time to time revise the rates receivable under this Order, so that the total produce of the rates received by the Commissioners under this Order may always be, as far as practicable, sufficient and not more than sufficient to meet the expenditure directed or authorised by this Order. Rates may be
revised from
time to time.

24. The Commissioners shall be at liberty from time to time to appoint, remove, and re-appoint a secretary, collector, an engineer, and other officers for the purposes authorised by this Order, and to pay such salaries as they may deem reasonable out of the rates received under this Order, but so that the total amount of such salaries shall not exceed the sum of five hundred pounds per annum. Appointment of
officers, &c.,
for purposes of
Order.

25. The Commissioners may, for the purposes of the works authorised by this Order, or any of them, from time to time purchase, lease, provide, or hire such steam or other dredges, steam or other engines, steam tugs, steam or other vessels, diving bells, ballast lighters, rubbish lighters, tools, plant, or other materials as they think fit, and may from time to time as they think fit sell and dispose of any such dredges, engines, tugs, vessels, diving bells, lighters, tools, plant, and materials as aforesaid, and shall apply the money thereby realized for carrying into effect the purposes of this Order, or some of them. Commissioners
may purchase
engines, &c.,

26. The following sections of "The Harbours, Docks, and Piers Classes Act, 1847," shall not be incorporated with this Order; (that is to say,) sections fourteen to nineteen, twenty-five to twenty-seven, thirty-four to forty-eight, fifty-one to seventy-six, and seventy-nine to ninety-six, all inclusive. Exercises of
powers of
Order, &c. &c.

27. In the following cases; (that is to say,) Powers to
cease in certain
events.

- 40 (1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced; or
- " (2.) If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months:

45 the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works

A.D. 1872. as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

Waterford. A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate.

Existing existing powers of Commissioners. 28. Save as herein otherwise expressed, nothing in this Order shall be construed to repeal, lessen, or interfere with any of the powers, provisions, authorities, or restrictions of the Local Act, or of "The Waterford Harbour (Dry Dock) Act, 1868." 10

Existing rights under "Crown Lands Act, 1866." 29. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained. 15

Expenses of Order. 30. All costs, charges, and expenses incurred by the Commissioners of and incidental to the obtaining this Order, and otherwise in relation thereto, shall be paid by the Commissioners.

Short title. 31. This Order may be cited as "The Waterford Harbour Order, 1872." 20

SCHEDULE to which the foregoing Order refers.

(1.) For and upon every ton of the admeasurement of every vessel exceeding 250 tons and not exceeding 400 tons burden landing or receiving cargo at or above Duncaan, a rate or sum	Not exceeding sixpence per ton.	25
(2.) For and upon every ton of admeasurement of every vessel exceeding 400 tons burden landing or receiving cargo at or above Duncaan, a rate or sum	Not exceeding ninepence per ton.	
(3.) For and upon every ton of the admeasurement of every vessel exceeding 250 tons burden entering the harbour of Waterford for the purpose of seeking refuge therin and not landing or receiving cargo, a rate or sum	Not exceeding 30 threepence per ton.	
(4.) For and upon every ton of the admeasurement of every vessel exceeding 250 tons burden entering the harbour of Waterford for orders, or landing or receiving mails or passengers at the port of Waterford, provided such vessels do not land or receive cargo, a rate or sum	Not exceeding three half-pence per ton	35

All vessels bound only from any one port to any other port of the United Kingdom, the Channel Islands, or the Isle of Man, shall be exempt from payment of the rates specified in this schedule.

Pier and Harbour Orders
Confirmation (No. 3).

A

B I L L

To confirm a Provisional Order made by
the Board of Trade under The General
Pier and Harbour Act, 1861, relating
to Waterford.

(*Proposed and brought in by
Mr. Arthur Peel and Mr. Christopher Fortescue.*)

Ordered, by the House of Commons, to be printed,
27 May 1872.

[Bill 171.] Under 1 o.z.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Confirm a Provisional Order made by the Board of Trade ^{A.D. 1872.}
under the General Pier and Harbour Act, 1861, relating —
to Waterford.

WHEREAS a Provisional Order made by the Board of Trade ^{24 & 25 VICT.}
^{a. 45.} under The General Pier and Harbour Act, 1861, is not of ^{any} validity or force whatever until the confirmation thereof by Act
of Parliament:

5 And whereas it is expedient that the Provisional Order made by
the Board of Trade under the said Act, and set out in the schedule
to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
10 Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows:

1. The Order set out in the schedule to this Act shall be and the ^{Confirmation} ^{of}
same is hereby confirmed, and all the provisions thereof in manner
and form as they are set out in the said schedule shall, from and ^{Order in}
15 after the passing of this Act, have full validity and force. ^{schedule.}

2. This Act may be cited as the Pier and Harbour Orders ^{Short title.}
Confirmation Act, 1872 (No. 3).

A.D. 1872.

S C H E D U L E.

Waterford.

WATERFORD.

Order for the Improvement of the Port and Harbour of Waterford.

Undertakers.

1. The Commissioners for the purposes of the Act of the ninth and tenth 5 years of the reign of Her Majesty, cap. two hundred and ninety-two (Local), intituled "An Act for improving, preserving, maintaining, and better regulating the Port and Harbour of Waterford, and for other purposes relating thereto," (in this Order called the Local Act,) shall be the Undertakers for carrying this Order into execution; and the expression the "Commissioners," 10 used in this Order, shall mean the Commissioners under that Act.

Local Act.

2. This Order shall be read and construed as part of the Local Act, and as if that Act and this Order were one Act.

§ 8 & 9 Vict.
c. 15.
35 & 36 Vict.
c. 336
Incorporated.

3. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are (except where expressly varied by this Order) incorporated with this Order.

Incorporation
of parts of
"Commis-
sioners Clauses
Act."

4. The clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, so far as the same are 20 not inconsistent with the provisions of this Order, and with the exception of section eighty-five of the said Act, shall be incorporated with this Order, and shall apply to the money to be borrowed and the mortgages to be granted by the Commissioners under the authority of this Order.

Interpretation.

5. In this Order the several words and expressions to which meanings are 25 assigned by the Acts wholly or partially incorporated with this Order shall have the same respective meanings, and in the said Acts as incorporated with this Order, the expression "the special Act" shall be this Order; and the expression "the harbour, dock, or pier" shall mean and include the port and harbour of Waterford, and the channel or cut and works to be constructed 30 under this Order.

Bylaws to
remain in force
till altered.

6. The bylaws, rules, and regulations made by the Commissioners with reference to the port and harbour of Waterford which are now in force shall, until altered or recalled by the Commissioners, continue in force and be applicable to the works authorised by this Order.

Power to exe-
cute works.

7. Subject to the provisions of this Order, and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Board of Trade require from time to time before the completion of the works in order to prevent injury to navigation, the Commissioners may, on the sites designated by this Order and in the lines and situation and according to the 40 levels and within the limits of deviation shown upon the deposited plans, execute and maintain the works authorised by this Order, with such alterations

and additions (if any) thereto as the Board of Trade may from time to time consent to for the benefit of navigation.

A.D. 1872

Waterford.

Description of works.

8. The works authorised by this Order comprise the following:

A channel or cut, commencing at a point about midway between the eastern and western shores of Waterford Harbour, and about fifteen hundred yards south of the feet and lower lighthouse at Duncannon, running or extending therefrom in a southerly direction for a distance of two thousand eight hundred yards or thereabouts, and terminating at a point distant about eleven hundred yards in a north-easterly direction from the eastern extremity of the promontory known as Creadan or Creadan Head.

9. The Commissioners may deviate laterally from the lines of the works by this Order authorised to the extent marked on the plans deposited for the purposes of this Order, and may deviate vertically from the levels defined on the sections deposited for the purposes of this Order to any extent not exceeding six feet.

Power to deviate.

10. The Commissioners may also lay down, erect, execute, or maintain all buoys, moorings, lights, beacons, and other works and conveniences which from time to time they may think necessary for effectuating any of the purposes of this Order, and may do any of the works authorised by this Order, either by themselves, their servants, or by others, and generally make such arrangements as may appear to them desirable for carrying out the said works.

Further powers as to works.

11. The Commissioners may carry to and deposit the materials dredged or taken out of the said cut or channel at any place within the limits of the said port and harbour, either above or below low-water mark as may previously be approved of by the Board of Trade.

Deposit of materials taken from cut or channel.

12. The works authorised by this Order shall be completed within eight years from the date of the passing of the Act confirming this Order.

Period for completion of works.

13. With the consent of the Commissioners of Irish Lights, the Commissioners shall at their own expense, and without any cost to the Mercantile Marine Fund, remove the Low Lighthouse and Light Keeper's Store in Duncannon Fort Yard to and re-erect the same on another site within the Fort Yard twenty yards or thereabouts to the eastward of the present site, the precise position of which other site shall be determined by the Commissioners of Irish Lights; and the cost of any new quarters, or any other expense which the War Department incur by reason of the change of site of the Low Lighthouse, shall be paid by the Commissioners to the War Department, and may be recovered from the Commissioners as a debt due to the Crown.

Low lighthouse to be removed.

14. Subject to the exemption from rates specified in the schedule to this Order, which exemption is allowed by reason that rates and dues of the same amount are (contrary to the custom in many other ports) now levied in the ports of Waterford and New Ross on all vessels alike whether bound to or from ports of foreign countries or plying between home ports only, and subject also to the provisions of this Order, the Commissioners may demand, receive, or

Power to levy new rates.

4. *Pier and Harbour Orders Confirmation (No. 3). [35 & 36 VICT.]*

A.D. 1872.

Waterford.

recover, in addition to the tolls and rates by the local Act and by "The Waterford Harbour (Dry Dock) Act 1868," respectively authorised to be levied, any sums not exceeding the rates specified in the schedule to this Order: Provided always, that when and so soon as the works hereby authorised shall have been completed, and the money to be borrowed hereunder shall have been repaid, 5 then the powers hereby conferred of levying rates shall cease and determine so far as the same relate to vessels plying to the port of New Ross.

Concession
of rates
is certain
event.

15. Provided that until the channel or cut authorised by this Order is made or dredged to the depth of eighteen feet below low water of ordinary spring tides, the Commissioners shall not demand, receive, or recover any sums 10 exceeding one half of the several rates specified in the said schedule hereto.

A certificate signed by the chairman of quarter sessions for the county of Waterford that the said channel or cut has been so made or dredged to the depth of eighteen feet below low water of ordinary spring tides (which certificate he shall sign and give on being satisfied in this behalf), shall be 15 conclusive evidence of the fact stated in such certificate.

Certain fishing
vessels under
stress of
weather ex-
cept from
rates.

16. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels, when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour, 20 and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Power to
borrow money.

17. In addition to any sum which the Commissioners have borrowed or have power to borrow on the security of the revenues of the harbour of Waterford, the Commissioners may from time to time borrow on mortgage at interest 25 such further sums as may be required for carrying into effect the purposes of this Order, not exceeding in the whole the sum of seventy-four thousand pounds, on security of the rates authorised by this Order, and the rates, duties, and customs now leviable by the Commissioners, or any other property of the Commissioners.

30

Existing
securities to
have priority.

18. Every security made for money borrowed by the Commissioners before the passing of the Act confirming this Order shall have priority over every security made for money borrowed under this Order.

Application
of money
borrowed.

19. Every part of the money borrowed by the Commissioners under this Order shall be applied only for the purposes authorised by this Order.

35

Power to
re-borrow.

20. The Commissioners may from time to time re-borrow any amount from time to time repaid or about to be repaid by them, unless it be paid by means of the sinking fund, in which case, and to the extent of the amount paid off by means of such sinking fund, their powers of borrowing and re-borrowing shall cease.

40

For appoint-
ment of a
receiver.

21. The mortgagees of the Commissioners may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages, by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to

the mortgagees by whom the application for a receiver is made shall not be less than seven thousand four hundred pounds in the whole. A.D. 1872.

22. The Commissioners shall apply all the rates received under this Order (subject to the proviso contained in the fifteenth section hereof) for the purposes 3 and in the order following, and not otherwise; (that is to say.)

1. In paying the costs of and connected with the applying for, obtaining, and making of this Order;
2. In paying year by year the interest accruing on money borrowed under this Order;
10. 3. In paying the cost of the construction and maintenance of the works authorized by this Order, and the salaries and expenses authorized by this Order;
4. In payment of principal money borrowed, or in creating a sinking fund for that purpose, in the manner, and so far as the nature and circumstances of the case will admit, in the proportion specified by The Commissioners Clauses Act, 1847.

23. The Commissioners shall keep separate accounts of the rates received by them under this Order, and shall from time to time revise the rates receivable under this Order, so that the total produce of the rates received by the Commissioners 20 under this Order may always be, as far as practicable, sufficient and not more than sufficient to meet the expenditure directed or authorised by this Order.

24. The Commissioners shall be at liberty from time to time to appoint, remove, and re-appoint a secretary, collector, an engineer, and other officers for the purposes authorized by this Order, and to pay such salaries as they may 25 deem reasonable out of the rates received under this Order, but so that the total amount of such salaries shall not exceed the sum of five hundred pounds per annum.

25. The Commissioners may, for the purposes of the works authorised by this Order, or any of them, from time to time purchase, lease, provide, or hire 30 such steam or other dredgers, steam or other engines, steam tugs, steam or other vessels, diving bells, ballast lighters, rubbish lighters, tools, plant, or other materials as they think fit, and may from time to time as they think fit sell and dispose of any such dredgers, engines, tugs, vessels, diving bells, lighters, tools, plant, and materials as aforesaid, and shall apply the money thereby 35 realized for carrying into effect the purposes of this Order, or some of them.

26. The following sections of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order; (that is to say,) sections 14 to 19, 25 to 27, 34 to 48, 51 to 56, all inclusive. *Exercised of
parts of
18 & 19 Vict.
c. 27.*

40. 27. In the following cases; (that is to say,) *Powers to
come in certain
events.*

(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced; or

(2.) If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months;

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works

6 *Pier and Harbour Orders Confirmation (No. 3). [35 & 36 Vict.]*

A.D. 1872. as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

Waterford. A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate.

*Saving existing powers of
Commissioners.* 28. Save as herein otherwise expressed, nothing in this Order shall be construed to repeal, lessen, or interfere with any of the powers, provisions, authorities, or restrictions of the Local Act, or of "The Waterford Harbour (Dry Dock) Act, 1868."

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*Saving rights
under "Crown
Lands Act,
1868."* 29. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1868," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

*Expenses of
Order* 30. All costs, charges, and expenses incurred by the Commissioners of and incidental to the obtaining this Order, and otherwise in relation thereto, shall be paid by the Commissioners.

Sheet 61a. 31. This Order may be cited as "The Waterford Harbour Order, 1872." 20

SCHEDULE to which the foregoing Order refers.

(1.) For and upon every ton of the measurement of every vessel exceeding 250 tons and not exceeding 400 tons burthen landing or receiving cargo at or above Duncaenan, a rate or sum - - - - -	Not exceeding sixpence per ton.	25
(2.) For and upon every ton of measurement of every vessel exceeding 400 tons burthen landing or receiving cargo at or above Duncaenan, a rate or sum - - - - -	Not exceeding ninepence per ton.	
(3.) For and upon every ton of the measurement of every vessel exceeding 250 tons burthen entering the harbour of Waterford for the purpose of seeking refuge therin and not landing or receiving cargo, a rate or sum - - - - -	Not exceeding 30 threepence per ton	
(4.) For and upon every ton of the measurement of every vessel exceeding 250 tons burthen entering the harbour of Waterford for orders, or landing or receiving mails or passengers at the port of Waterford, provided such vessels do not land or receive cargo, a rate or sum - - - - -	Not exceeding three half-pence per ton.	35

All vessels bound only from any one port to any other port of the United Kingdom, the Channel Islands, or the Isle of Man, shall be exempt from payment of the rates specified in this schedule. 40

Pier and Harbour Orders
Confirmation (No. 3).

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To confirm a Provisional Order made by
the Board of Trade under The General
Pier and Harbour Act, 1861, relating
to Waterford.

(Published and brought in by
Mr. Arthur Peel and Mr. Chichester Fortescue.)

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